

REMARKS

Claims 1-8 are pending in this application. The Office Action has rejected Claims 2-8 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In addition, Claims 1-8 are rejected as being unpatentable over U.S. Pat. App. Pub. 2002/0094233 to Price et al. (hereinafter "Price") in view of U.S. Patent No. 5,195,789 to Walsh et al. (hereinafter "Walsh").

Claims 1-8 have been amended to more particularly point out and distinctly claim the subject matter of the present application. For at least the reasons set forth below, applicant respectfully submits that Claims 1-8 are in condition for allowance.

Claim Rejections under 35 U.S.C. § 112, ¶2

Claims 2-8 are rejected under 35 U.S.C. § 112, ¶2, for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. More specifically, the Office Action observes that independent Claim 1 recites "[a] flanged connector..." however, dependent Claims 2-8 recite "[a] flange ring..." Thus, the Office Action sets forth the position that Claims 2-8 lack proper antecedent basis for "[a] flange ring..."

In response, Claims 2-8 have been amended to replace "flange ring" with "flange connector".

Claim Rejections under 35 U.S.C. § 103

Claims 1-8 are rejected under 35 U.S.C. § 103 as being obvious in light of Price and Walsh. The provisions of 35 U.S.C. § 102 are relied upon to determine what is "prior art" under 35 U.S.C. § 103. Under 35 U.S.C. § 102(b), a person is entitled to a patent unless "the invention was patented or described in a *printed publication* in this or a foreign country ... more than one year prior to the date of the *application* for patent in the United States."

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The Price patent application was published but never issued as a patent. Price was filed on November 13, 2001, and was published on July 18, 2002, which is its effective date as a printed publication. The present application claims the benefit of U.S. Provisional Application Series Nos. 60/395,543 filed on July 11, 2002 and 10/359,017 filed February 3, 2003. Accordingly, Price was published after the filing date of the present application, and is therefore not a valid prior art reference to be considered for an obviousness determination with respect to the present application.

Even if Price was considered to be a valid prior art reference, applicant respectfully submits that Price, in view of Walsh, does not teach or suggest all the limitations of Claim 1. To establish a *prima facie* case for obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142. Applicant respectfully submits that Price, in view of Walsh, does not teach or suggest all of the limitations of Claim 1.

Claim 1 of the present application pertains to a flanged connector to join double wall square or rectangular HVAC ducts. Each such double wall duct has an outer square/rectangular duct and an inner square/rectangular duct disposed within the flanged connector, including a first connector section having an outer insertion flange, an outer mating flange, and an exterior hem, and a second connector section having an inner insertion flange, an inner mating flange, and an inner hem, "wherein the inner hem is connected to the outer insertion flange such that the inner mating flange and the outer mating flange are aligned to form *substantially one plane*." An example of this feature of Claim 1 is shown in Figure 58, wherein the inner mating flange 514 is

aligned with the outer mating flange 504 when the inner hem 515 is connected to the outer insertion flange 503.

Price, on the other hand, discloses two generally L-shaped flanges 276 and 278 that are used to connect two sections 280 and 282 of flat oval or spiral, single wall ductwork, as can be seen in Figure 27 of Price. The flanges 276 and 278 include duct-attachment legs 284 and 286, respectively, and flange-attachment legs 288 and 290. The flange-attachment legs 288 and 290, or mating flanges, are secured to each other by clips 300 to secure the flanges 276 and 278 to one another. When the flange-attachment legs 288 and 290, or mating flanges, are secured to each other, they are not "aligned to form substantially one plane." Accordingly, applicant respectfully submits that Price does not disclose all of the aspects of Claim 1.

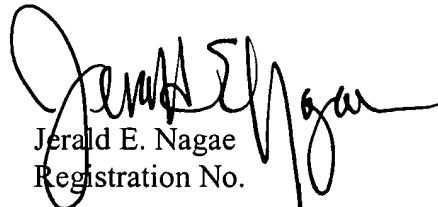
Walsh does not teach what is missing from Price. Walsh discloses a slip lock connector assembly for joining end-to-end first and second flat-sided ducts of standard construction. The slip lock connector assembly includes four connector members 12, each having first and second channels 20 and 34 and a wide flange 40 (see Figure 2 of Walsh). Walsh does not disclose a flanged connector "wherein the inner hem is connected to the outer insertion flange such that the inner mating flange and the outer mating flange are aligned to form *substantially one plane*." Thus, for at least the foregoing reasons, applicant respectfully submits that Price, in view of Walsh, does not teach or suggest all of the limitations of Claim 1.

Claims 2-8 depend from Claim 1; therefore, Claims 2-8 incorporate all of the limitations of Claim 1. As stated above, Price, in view of Walsh, does not teach or suggest all of the limitations of Claim 1. Therefore, Price, in view of Walsh, does not teach or suggest all of the

limitations of Claims 2-8. Accordingly, applicant respectfully requests that the rejection against Claims 1-8 be withdrawn.

Respectfully submitted,

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Date: August 3, 2006 Debbie L. Whitney

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